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Woolsey of Yale on National Divorce Laws.

Apropos of the National Divorce Law recently recommended by the Congress that met at Philadelphia, it may be of interest to know that in 1881 an interview with the venerable late ex-president of Yale College was published, in which he set forth the desirability of holding a convention for the propagation of uniform marriage and divorce laws for enactment in all the states. He was an authority on constitutional law, and could find in our constitution nothing to permit congress to enact national marriage and divorce laws. He admitted that uniformity could not be effected except by voluntary action on the part of the several legislatures, and thought the importance of uniformity sufficient to make it wise to have a convention of representatives of all the states for the purpose of framing uniform laws. He thought that the movement for uniformity was likely to begin with a few states most likely the New England states, and that it would gradually extend from state to state until substantially uniform marriage and divorce laws were established throughout the union. He expressed a doubt, however, as to whether uniformity could be maintained even after it was effected, by reason of the well known propensity of the average legislature for needless meddling with existing laws. Dr. Woolsey said of the character or the measure he would recommend for a uniform marriage law: "It should not make marriage too easy, nor, on the other hand, should it exact too much. In the early days of New England the names of persons intending to be married were formally announced in church or posted on the door of some public building in advance of the marriage ceremony. People would not be willing to have that custom restored, but, as a substitute, a license from the town clerk ought to be required. The requirements of a license and of a minister or magistrate to perform the ceremony is sufficiently simple. The exactions should not be

too complicated. The marriage laws of some of the states are now so complicated that they are not thoroughly understood by all the people. If the doctrine of the courts is to be that unwilling violations of the marriage laws shall not violate a marriage so far as legitimacy of children is concerned, much of the evil resulting from complicated marriage laws will be removed. The requirements of the marriage law fit to be adopted by all the states must be simple and direct, but they should not be less than registration and the performance of the marriage ceremony by a magistrate or minister. Complicated exactions would be inconvenient, but a law lax enough to sanction marriage without license and without the services of magistrate or minister opens the door to abuses." Some of these prophetic utterances of Dr. Woolsey have already been realized, but as to how the state legislatures will receive this movement, remains to be seen. So strict are the requirements of our marriage laws in Virginia, that we have gone even beyond his recommendations as to that.

Rule Limiting Time of Argument.

The Supreme Court of Appeals met on Tuesday, the 13th inst., in Richmond. The Court was confronted with nine writs of error in criminal cases; two appeals from decisions of the State Corporation Commission; eighteen cases on the privilege docket, and ninety-one on the regular docket—one hundred and twenty cases in all. In view of this number of cases at Richmond and a proportionate increase of the docket both at Wytheville and Staunton, it is not surprising that the Court has entered a new rule limiting the time allowed oral argument to one hour and fifteen minutes a side. Before making this rule the Court took pains to inquire into the custom of some twenty-two of the appellate tribunals of the more important states of the Union, with the following result:

Missouri.—One hour and a half on each side, which includes the statement of the case.

New York.—Two hours on each side. In the argument of an appeal from an order not more than thirty minutes shall be occupied by the appellant's counsel, nor more than twenty-five

minutes by respondent's counsel, without express permission of the court.

Indiana.—Oral argument shall be limited to some definite time, not exceeding two hours (to be equally divided between the parties).

Illinois.—The time allowed for oral argument shall be restricted to one hour on each side, unless otherwise specially permitted. But in the division of his time the appellant or plaintiff in error shall make a fair opening of the cause. Oral argument shall be strictly confined to the questions at issue in the cause: PROVIDED, that where any cause shall be argued on one side only, such argument shall be restricted to thirty minutes.

Ohio.—The time allowed for each side shall not exceed one hour unless, for special reasons, to be adduced before the argument begins, the court shall extend the time.

Massachusetts.—Oral argument shall be limited to one hour on each side, unless before the commencement of the argument the court shall allow further time.

Vermont.—Two hours on a side will be allowed for argument, but the court may limit arguments to a less time.

Kansas.—One hour only, except with the consent of the court, shall be consumed in the oral argument of a cause by counsel for either party.

New Hampshire.—Oral arguments will be limited to one hour and a half on a side, to be divided as counsel may elect.

California.—No more than one counsel upon a side will be heard upon the oral argument, and the counsel for each party shall be allowed only one hour, unless an extension of time is ordered before the argument begins.

Texas.—Each side may be allowed an hour on a side, with twenty minutes more in conclusion by the appellant.

Tennessee.—One hour on each side.

Iowa.—Not more than two attorneys will be heard on each side and but one in opening the argument, or in event no oral argument is to be made by opposing counsel. The opening argument shall not exceed an hour in length. The other side when represented by one attorney only, will be limited to the same time, but if by two attorneys, they will be entitled to one and one-half hours, to be equally divided between them as they

may elect. The reply in all cases shall be limited to one-half an hour.

Wisconsin.—Two hours on each side in causes wherein the amount in controversy, exclusive of costs, is $5,000 or over; one hour on each side in causes wherein the amount in controversy, exclusive of costs, is less than $5,000 and more than $500; and one-half hour on each side in all other contested matters.

West Virginia.—Appellant or plaintiff in error one hour and thirty minutes, and the appellee or defendant in error one hour, which time may be extended upon motion or agreement at the discretion of the court. (As a matter of practice it is very seldom extended.)

North Carolina.—One hour on each side.

Maryland.—Not more than two counsel will be permitted to argue any case on the same side, nor will they be allowed more than one hour for argument or reply, unless, for reasons appearing before the beginning of the argument, the court shall grant a longer time.

Minnesota.—On oral arguments each party shall be entitled to one hour in all, except that in actions for the recovery of money only, or of specific personal property, where the amount, or the value of the property, involved in the appeal shall not exceed five hundred dollars, they shall be entitled to only thirty minutes each.

Georgia.—Argument is limited to four hours upon each case, two hours on each side, unless by special leave an extension of time is granted.

New Jersey.—One hour on each side, though the time is usually extended upon application to the court.

Kentucky.—Unless by leave of court oral argument will be limited to one hour on a side.

Alabama.—No argument of counsel shall extend beyond the period of one hour, unless by consent of the court.

Pennsylvania.—The argument of each cause shall be limited to one hour, unless the Chief Justice, upon an examination of the paper books, shall consider more time to be necessary. On the hearing of short causes the time of counsel shall be limited to fifteen minutes on each side.

We understand that heretofore, owing to the crowded docket,

it has been almost impossible to extend the time for argument, even in the most important cases. It is hoped that when the Bar accustoms itself to the new rule, the Court can find its way clear to extend the time for argument in cases which seem to justify it. They are really much fewer than most lawyers would think.

Uniform Divorce Law.

It is to be regretted that the proposed clause in the new divorce law was defeated, requiring judges to turn over evidence in suits for divorce to the prosecuting attorney for action against the party to the divorce for the crime or offense on which the decree was granted. This would greatly facilitate prosecutions for adultery, the rule being that whether the question arises in a criminal prosecution, or a proceeding for divorce, the rules governing the proof of the offense are practically the same, even as to the measure of proof.